

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-2-110D.10 Conditions Associated with Residential Development Standards and CI-38 Stormwater Fencing.

REFERENCE:

N/A

SUBJECT:

Modification of Conditions Associated with Development Standards for Small Lot Cluster Developments in the R-4 zone.

BACKGROUND:

RMC 4-2-110D.10 provides options for reducing the permanent open space requirement for small lot clusters from 30 percent of the project site to 20 percent. One of the options provided includes the enhancement of stormwater ponds as follows: "Stormwater ponds are designed to eliminate engineered slopes requiring fencing and enhanced to allow passive and/or active recreation." CI-38 requires that all stormwater ponds be fenced.

JUSTIFICATION:

The purpose of the small lot cluster regulations is to allow an opportunity for development on a site to occur within the R-4 zone, while providing a significant amount of permanent "significant open space." In exchange for the provision of open space, the applicant is granted the ability to use certain R-8 development standards for approved R-4 clustered development.

Criterion is provided under RMC 4-2-110D.10 to allow for the reduction of the permanent open space requirement from 30 percent to 20 percent. One of the criterion is the designing of stormwater ponds to eliminate engineered slopes that require fencing. Additionally, the stormwater pond would be required to be enhanced to allow for passive and/or active recreation. However, CI-38 requires that all stormwater ponds be fenced, therefore precluding any stormwater pond from complying with this criteria used to justify a reduction to the amount of permanent open space required.

In addition, it is unclear as to whether the area within the stormwater detention tract may be counted towards the "permanent open space" requirement.

DECISION: To the extent stormwater facilities are fenced, they are precluded from functioning as an active and/or passive recreation area and should not be permitted to count towards the “permanent open space” requirement. The criterion permitting the enhancement of stormwater ponds to eliminate the fencing requirement should be removed as all stormwater ponds are required to be fenced and they are no longer able to count towards the “permanent open space” requirement.

**ADMINISTRATOR
APPROVAL:**

C. E. “Chip” Vincent

DATE: June 11, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

**4-2-110D CONDITIONS ASSOCIATED WITH DEVELOPMENT STANDARDS TABLE FOR
RESIDENTIAL ZONING DESIGNATIONS**

10. Small lot clusters of up to a maximum of fifty (50) lots shall be allowed within the R-4 zone, when at least thirty percent (30%) of the site is permanently set aside as significant “open space” as defined in RMC 4-11-150. Such open space shall be situated to act as a visual buffer between small lot clusters and other development in the zone. The percentage of open space required may be reduced to twenty percent (20%) of the site when:

- a. Public access is provided to open space; and
- b. If critical areas are located on site soft surface trails are provided within ~~wetland~~ their buffers pursuant to RMC 4-3-050 ; and
- c. ~~c. Stormwater ponds are designed to eliminate engineered slopes requiring fencing and enhanced to allow passive and/or active recreation.~~ All portions of a site that are not dedicated to platted single family lots or a dedicated right-of-

way shall be set in a separate tract and/or tracts to preserve existing viable stands of trees or other native vegetation. The tract may also be used as a receiving area for tree replacement requirements in accordance with RMC [4-4-130H](#). Such tracts shall be shown and recorded on the face of the plat to be preserved in perpetuity. Such tracts may be included in contiguous open space for the purposes of qualifying for small lot clustered development. Where trees are removed, they shall be replaced in accordance with RMC [4-4-130H](#).